

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the matter of the Order Instituting  
Investigation and Order to Show Cause on the  
Commission's own motion into the operations  
and practices of Ronen Perez, an individual, Ford  
Moving and Storage, Inc., a California  
corporation, and its president, Ronen Perez,

Investigation 04-04-001  
(Filed April 1, 2004)

Applicants/Respondents.

**SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER  
AND ADMINISTRATIVE LAW JUDGE**

**1. Summary**

This Scoping Memo and Ruling (Scoping Memo) sets forth the schedule, the issues, and the procedural requirements for Respondents, Ronen Perez, an individual, and Ford Moving and Storage, Inc., a California corporation, and its president, Ronen Perez, to respond to the allegations set forth in the above Order Instituting Investigation and Order to Show Cause (collectively OII/OSC). The Respondents are ordered to cease and desist performing any and all moves of any kind until the Commission has an opportunity to review and pass judgment on the allegations contained in the OII/OSC.

## **2. Background**

On May 20, 2004, the undersigned administrative law judge (ALJ) issued a ruling setting a prehearing conference (PHC) for June 15, 2004 and directing the filing of PHC statements no later than June 8, 2004. At the request of Respondent's attorney and counsel for the Commission's Consumer Protection and Safety Division (CPSD), the PHC was changed to a July 1, 2004 telephonic PHC.

On June 15, 2004, CPSD filed its PHC statement; no filing was made by the Respondents. At the July 1, 2004 PHC, a CPSD motion to compel discovery was resolved and a procedural schedule for testimony and hearings was set, as memorialized in this ruling. Evidentiary hearings are set for August 18 and 19, 2004, in Los Angeles.

## **3. Category of Proceeding**

The Commission categorized this proceeding in its OII/OSC as an adjudicatory proceeding that would need evidentiary hearings. The OII/OSC also advised that this categorization is appealable under the procedures in Rule 6.4 of the Commission's Rules of Practice and Procedure (Rule 6.4). No party has filed a timely appeal.

## **4. Presiding Officer**

Pursuant to Rule 6(c), Assigned Commissioner Brown designates ALJ Walwyn as the presiding officer.

## **5. Schedule**

At the PHC, the respondents agreed to provide a response to staff's January 12, 2004 data request by July 7, 2004, and the following procedural schedule was set for hearings. We set the briefing and submission dates in this ruling. The schedule we adopt is:

CPSD serves Supplemental Testimony	July 21, 2004
Respondents serves Testimony	August 4, 2004
CPSD serves Reply Testimony	August 11, 2004
Evidentiary hearings	August 18 and 19, 2004 <sup>1</sup>
Opening Briefs filed	September 2, 2004
Reply Briefs filed/Submission Date	September 13, 2004
Presiding Officer's Decision Issued	Not later than November 12, 2004

Our goal is to resolve this case as soon as possible. We anticipate that the resolution will not exceed 12 months from the date of filing the investigation, pursuant to Pub. Util. Code § 1701.2(d).

## **6. Scope of the Proceeding**

The scope of the proceeding is set out in the OII/OSC. Basically, the OII/OSC finds that respondents may have violated various sections of the Public Utilities Code which relate to our regulation of household goods movers and it directs Respondents to appear at the scheduled evidentiary hearing and show cause why their application for a household goods carrier permit should not be denied for cause and lack of fitness in view of the allegations made by

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<sup>1</sup> Hearings will begin at 10:00 a.m., at the Commission's Los Angeles offices, 320 West 4<sup>th</sup> Street, Suite 500, Los Angeles.

staff.<sup>2</sup> During the pendency of this investigation, respondents are ordered to cease and desist from any violations of the terms of the “Preliminary Injunction” in Case No. BC300974 filed with the Superior Court in Los Angeles County, or the terms of probation ordered by the Superior Court for the County of Los Angeles as part of the sentence imposed in criminal complaint Case No. 3CR02645.

CPSD may present additional evidence beyond that described in the declaration issued with the OII/OSC, bearing on the operations of the respondents and any new advertising of moving services to the public.

If staff’s allegations are proven during the evidentiary hearing, the Commission may deny for cause Respondents’ application for operating authority, may permanently revoke respondents’ rights to operate as a household goods carrier in California, and may impose fines and penalties according to those authorized by law.

#### **7. Communications with Decisionmakers (Ex Parte Communication)**

All substantive communications by parties to this proceeding with decisionmakers regarding the proceeding must be on the record (i.e., in the hearing room or in filed documents). Pursuant to Pub. Util. Code § 1701.2(b), ex parte communications are prohibited in this proceeding. Not only a party but

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<sup>2</sup> On November 7, 2002, Ronen Perez filed with the Commission’s License Section an application for a household goods permit under the corporate entity, Ford Moving and Storage, Inc. The application is pending the outcome of this proceeding. On December 19, 2002, the Commission’s License Section denied Ronen Perez’s October 1, 2002 request to reinstate his individual permit from revocation for failure to file evidence of workers’ compensation insurance coverage.

also any other person who has a financial interest in this proceeding is prohibited from speaking with a decisionmaker on a substantive issue in this case.

(See Pub. Util. Code § 1701.1, 1701.2, and Rules 5 and 7 of the Commission's Rules of Practice and Procedure for specific rules on ex parte communications.)

**IT IS RULED** that:

1. The schedule and issues to be addressed are set forth in this Scoping Memo and Ruling, unless subsequently modified by Assigned Commissioner or Assigned Administrative Law Judge (ALJ) directive.
2. ALJ Walwyn is the presiding officer in this proceeding.
3. Pursuant to Pub. Util. Code § 1701.2(b), ex parte communications are prohibited.

Dated August 12, 2004, at San Francisco, California.

/s/ GEOFFREY F. BROWN

Geoffrey F. Brown  
Assigned Commissioner

CHRISTINE M. WALWYN

Christine M. Walwyn  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day, served a true copy of the original attached Scoping Memo and Ruling of Assigned Commissioner and Administrative Law Judge on all parties of record in this proceeding or their attorneys of record.

Dated August 12, 2004, at San Francisco, California.

/s/ JANET V. ALVIAR

Janet V. Alviar

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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